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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/767,539

01/23/2001

Steven Adler-Golden

SPSC/001/US

2985

7590 07/02/2007
Brian M. Dingman
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477

EXAMINER

GUTIERREZ, ANTHONY

ART UNIT	PAPER NUMBER
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2857

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/767,539

Applicant(s)

ADLER-GOLDEN ET AL.

Examiner

Anthony Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36 is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/07 has been entered.

Drawings

2. The drawings filed 8/11/03 are objected to because they have been determined to be informal. Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities:
- It is an improper Jepson claim. The phrase "improved" needs to be deleted or the phrase "wherein the improvement comprises" needs to be added. See M.P.E.P. 2129 (III) and 37 CFR 1.75 (e).
 - "a number of images" is unclear as to how many (i.e., 1, 2, 3, 0). It should be changed to "a plurality of images" or "at least one image" depending on the intended scope.

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- The claim includes the limitation "the calculated radiation transport model parameters" in line 13. There is insufficient antecedent basis in the claims.

Claims 2-7 and 36 are likewise objected to for the reasons indicated above with respect to claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claim includes the amended limitation in which trial visibility values are provided for a plurality of trail aerosol values **and/or** a plurality of aerosol types.

Providing the visibility values for a plurality of aerosol values **and** a plurality of aerosol types is not described in the original disclosure.

Allowable Subject Matter

6. Claims 1-7 are objected to but would be allowable if rewritten to overcome the objections indicated above.

7. The following is a statement of reasons for the indication of allowable subject matter:

The Examiner considers the closest art of record to be the paper to Adler-Golden et al. (1999). Applicant has amended the claims such that the image pixels have predefined ratios but unknown reflectances. As such, the interpretation of the art on which the Examiner has relied is no longer a fair interpretation as the Examiner is persuaded by Applicant arguments that the calibration panels cited by the Examiner to address the selected pixels are taught to be reference pixels which are taught to have known reflectances. Thus the Examiner agrees that the calibration panels do not provide ratios of reflectances (the ratios being taught to be used when the reflectances are unknown) and thus the ratios cannot be used in the claimed comparison or for resolving a corrected image visibility value.

The Examiner therefore maintains that Applicant's claimed invention is deemed allowable over the prior art as the prior art fails to teach or fairly suggest correcting for atmospheric effects on a remote image of the Earth's surface taken from above, wherein the image comprises a number of images of the same scene each including a large number of pixels, each at a different wavelength band, and including infrared through visible wavelengths, comprising: selecting image pixels having unknown reflectances but having one

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or more presumed, predefined ratios of reflectances among two or more specific wavelength bands, using calculated radiation transport model parameters to determine the surface reflectance for the selected image pixels for each of the specific wavelength bands for each combination of trial visibility value and trial aerosol property value or values, or aerosol type; comparing the determined surface reflectances to the predefined ratio of reflectances; and resolving from the comparison a corrected image visibility value for each trial aerosol property value or values or aerosol type.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AG

Anthony Gutierrez
Art Unit 2857
6/25/07

 6/25/07
ELISEO RAMOS-FELICIANO
SUPERVISORY PATENT EXAMINER